Google Inc. et al v. Egger et al Doc. 597

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION

This Document Relates To:

United States v. Rabner (07-1324);
United States v. Clayton (07-1242);
United States v. Adams (07-1323);
United States v. Palermino (07-1326);
United States v. Volz (07-1396);
Clayton v. AT&T Communications of the Southwest (07-1187)

MDL Dkt. No. 06-1791-VRW

TELECOMMUNICATIONS CARRIER DEFENDANTS' STATEMENT OF NON-OPPOSITION TO THE UNITED STATES' MOTION FOR SUMMARY JUDGMENT, DKT. 536

Date: May 7, 2009
Time: 10:30 a.m.
Courtroom: 6, 17th Floor
Judge: Hon. Vaughn R. Walker

Dockets.Justia.com

Pursuant to Local Rule 7-3(b) and this Court's order of February 26, 2009, *see* Dkt. 574, the AT&T defendants,[1] Qwest Communications International Inc., Sprint Nextel Corporation,[2] and the Verizon defendants[3] state that they do not oppose the United States' Motion for Summary Judgment (Dkt. 536) filed in the six cases noted above. For the reasons explained by the United States, § 803 of the Foreign Intelligence Surveillance Act (FISA) (added by the FISA Amendments Act of 2008, Pub. L. No. 110-261, 122 Stat. 2436 (July 10, 2008)) preempts the state investigations at issue in these cases. Accordingly, this Court should grant the United States' motion for summary judgment.

Dated: April 9, 2009

Respectfully submitted,

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[1] Various telecommunications carriers were named as defendants in the six lawsuits at issue here. As the Court will recall, in five of the cases the United States sued to terminate the state investigations and to enjoin telecommunications carriers from cooperating with the same; the sixth case (*Clayton v. AT&T Communications of the Southwest*) is a subpoena enforcement action brought by one Commissioner of the Missouri Public Utilities Commission against several AT&T entities.

The "AT&T defendants" are AT&T Corp. (named in *United States v. Palermino* and *United States v. Rabner*); Southern Telecommunications Corp. d/b/a AT&T Connecticut, and The Woodbury Telephone Co. d/b/a AT&T Woodbury (named in *Palermino*); AT&T Communications of the Southwest, Inc., SBC Long Distance, L.L.C., SBC Advanced Solutions, Inc., TCG St. Louis Holdings, Inc. d/b/a TCG St. Louis, Southwestern Bell Telephone L.P., TCG Kansas City, Inc. (named in *United States v. Clayton*); Cingular Wireless LLC (named in *Rabner*); and AT&T Communications of New England, Inc. (named in *United States v. Volz*).

[2] Qwest Communications International Inc. and Sprint Nextel Corporation are only named as defendants in one of the six cases, i.e., *Rabner*. The remaining five cases do not include any Qwest or Sprint entities as parties.

[3] The "Verizon defendants" are Verizon Communications Inc., Verizon New England Inc., and Verizon New York Inc.

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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, Marc H. Axelbaum, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from the other signatories listed above.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on April 9, 2009, at San Francisco, California.

By: /s/ Marc H. Axelbaum
Marc H. Axelbaum

Attorney for the AT&T Defendants